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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.: 09799940-0135

First Named Inventor: Benjamin Schwarz

Title: GATE ETCH PROCESS

Express Mail Label No. EV 328 247 930 US

Date of Deposit: March 2, 2004

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  This Form includes the Fee Transmittal (See Box 19)  
*(Submit an original and a duplicate for fee processing)*
2.  Applicant claims small entity status. (See 37 CFR 1.27)
3.  Specification (including title page) [Total Pages 15]
4.  Drawing(s) (35 USC 113) [Total Sheets 3]
5.  Declaration and Power of Attorney [Total Pages \_\_\_\_\_]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 18 completed)*
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76
7.  CD-ROM or CD-R in duplicate

**ADDRESS TO:** MAIL STOP PATENT APPLICATION  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

8.  Nucleotide and/or Amino Acid Sequence Submission
  - a.  Computer Readable Form (CRF)
  - b.  Specification Sequence Listing on:
    - i.  CD-ROM or CD-R in duplicate; or
    - ii.  paper
  - c.  Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (*cover sheet & document(s)*)
10.  37 CFR 3.73(b) Statement
11.  English Translation Document (*if applicable*)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)
15.  Certified copy of \_\_\_\_\_ Priority Document:  
Document No. \_\_\_\_\_, filed on \_\_\_\_\_.
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(I).  
Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: \_\_\_\_\_

**18. CONTINUING APPLICATION:**

Amend the specification by inserting before the first line and after the title the sentence: "This application is a continuation of application number 10/099,841, filed March 15, 2002, (pending)."

Prior application information: Examiner Name: Edgardo Ortiz Group Art Unit: 2815

**For CONTINUATION OR DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. FEE CALCULATIONS:**

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) BASIC FEE \$385.00
	TOTAL CLAIMS			\$9.00	\$
	INDEPENDENT CLAIMS			\$43.00	\$
	ANY MULTIPLE DEPENDENT CLAIMS? <input type="checkbox"/> YES <input type="checkbox"/> NO			\$145.00	\$
	SUBTOTAL				

- a.  In connection with this application, the Commissioner is hereby authorized to credit overpayments or to charge any additional fee required to Deposit Account No. 19-3140. A **duplicate copy of this sheet is enclosed**.
- b.  The enclosed check in the amount of \$ \_\_\_\_\_ covers the total claim fee and recordation fee.

**20.  CUSTOMER NO. 26263**Dated: March 2, 2004
 SIGNATURE:   
 Paul E. Rauch, Ph.D., Registration No. 38,591

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>		First Named Inventor	Benjamin Schwarz
		Title	Gate Etch Process
		Atty Docket Number	09799940-0135

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

March, 2, 2004

Date

Signature

Paul E. Rauch, Ph.D.

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**